

EXHIBIT 4

From: [Ryan Caughey](#)
To: [Edlin, Elise \(SFO\)](#); [Amber Magee](#); [Hawkins, Ryan B. \(SDO\)](#)
Cc: [*Cisco-Paltalk-Service](#); [Kalpana Srinivasan](#); [Max Tribble](#); [Bryce T. Barcelo](#); [Alex Kaminsky](#); [Stacy Schulze](#); [Vanessa Keller](#); [Maria Romo](#)
Subject: RE: Paltalk/Cisco - Schedule
Date: Wednesday, September 28, 2022 10:24:21 PM

Elise – At this point, we will not be able to agree to any extension. We will keep the current schedule. We reserve all rights with respect to discovery that has been improperly withheld and to which we remain entitled.

Best,
Ryan

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From: Edlin, Elise (SFO) <EEEdlin@perkinscoie.com>
Sent: Wednesday, September 28, 2022 6:40 PM
To: Amber Magee <AMagee@susmangodfrey.com>; Hawkins, Ryan B. (SDO) <RHawkins@perkinscoie.com>
Cc: *Cisco-Paltalk-Service <Cisco-Paltalk-Service@perkinscoie.com>; Ryan Caughey <rcaughey@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Max Tribble <MTRIBBLE@SusmanGodfrey.com>; Bryce T. Barcelo <BBarcelo@susmangodfrey.com>; Alex Kaminsky <AKaminsky@susmangodfrey.com>; Stacy Schulze <SSCHULZE@SusmanGodfrey.com>; Vanessa Keller <VKeller@susmangodfrey.com>; Maria Romo <MRomo@susmangodfrey.com>
Subject: RE: Paltalk/Cisco - Schedule

EXTERNAL Email

Amber,

This proposal is inconsistent with what we discussed yesterday, and Paltalk is now adding additional requests and requirements. Cisco's agreement was contingent on Paltalk requesting a short, 3-week extension of the trial date to accommodate the postponed pre-trial deadlines. Cisco does not agree to Paltalk's last-minute change in proposal, and given the short notice of these changes, Cisco does not consider this a conference on these discovery issues. Cisco remains willing to accommodate the reasonable proposal that was discussed yesterday, but extending certain fact and expert discovery deadlines while leaving trial and pretrial deadlines in place such that they would overlap is not an option. Furthermore, Mr. Boyle's deposition was ten-days ago, before the close of discovery, and Paltalk did not keep his deposition open at that time or raise these complaints in the days that followed. During the deposition Cisco clarified that it would redesignate Topics 37 and 38 (related to benefit and ROI of accused functionality). We also explained that Mr. Boyles would address sales

data, but that we would redesignate someone for topic 30 to the extent you were asking about “specific plans or features of any specific Webex plan.” These agreements to designate additional witnesses were limited to these topics, which do not concern “which of the product IDs corresponded to Webex products that contain the Accused Functionalities.” As explained below, Mr. Boyles sufficiently answered all questions related to that issue.

On the topic of which PIDs correspond to the accused functionalities, Mr. Boyles testified that “the audio portion of the product functionality” is what is meant by “accused functionalities.” (18:6-20). He also testified that “there are product families that are specific to audio. In that, the audio portion of the transaction is going to be broken out and separately attributed to audio. . . .” 54:12-16. Furthermore, Mr. Boyles was able to determine whether specific PIDs pertained to Audio. (e.g. 53:4-25). Mr. Boyles also explained that Exhibit 25 maps the PIDs to the Product Family and the Product Family to the Product Family type, and sums the total revenues for each family type, including the one that is relevant to the accused functionality “Webex Audio.” (107:25-111:9). The Webex Audio total encompasses all PIDs corresponding to audio functionality for all Relevant Products. Mr. Boyles answered all questions asked about these spreadsheets and the PID/Product Family/BU hierarchy. With over 600 PIDs for the Relevant Products, and a spreadsheet that includes a description of each, the complaints that Mr. Boyles didn’t know what each PID referred to are unfounded. There was no discussion about his preparedness on these topics, and Cisco will not put up another witness here.

Paltalk’s assertion that documents used during Mr. Boyle’s deposition were produced the night before is also inaccurate. The last production with documents relevant to Mr. Boyle’s deposition were produced four days before his deposition on 9/16.

With respect to Paltalk’s complaints about Cisco’s response to Interrogatory No. 2, Cisco has produced sales data for the Relevant Products requested in the manner in which it is kept. The spreadsheets list the quarter and year of each transaction, and it is equally burdensome for Cisco as it is for Paltalk to sum these quarterly and annual totals. Revenues for Webex Socio, Webex Slido, Webex Edge, and Webex Calling were not included in the revenue spreadsheets. And the product family mapping shows the revenues, families, and PIDS attributed to the accused audio functionality.

Cisco is willing to meet and confer tomorrow in attempt to reach a reasonable scheduling solution. Please let us know your availability.

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From: Amber Magee <AMagee@susmangodfrey.com>

Sent: Wednesday, September 28, 2022 1:11 PM

To: Hawkins, Ryan B. (SDO) <RHawkins@perkinscoie.com>; Edlin, Elise (SFO) <EEEdlin@perkinscoie.com>

Cc: *Cisco-Paltalk-Service <Cisco-Paltalk-Service@perkinscoie.com>; Ryan Caughey <rcaughey@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Max Tribble <MTRIBBLE@SusmanGodfrey.com>; Bryce T. Barcelo <BBarcelo@susmangodfrey.com>; Alex Kaminsky <AKaminsky@susmangodfrey.com>; Stacy Schulze <ssSCHULZE@SusmanGodfrey.com>; Vanesa Keller <VKeller@susmangodfrey.com>; Maria Romo <MRomo@susmangodfrey.com>

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Ryan and Elise,

Contingent upon Cisco's agreement to resolve the outstanding discovery issues below within the new discovery period, Paltalk will agree to Elise's 09/15 proposal to conclude fact discovery on 10/13, serve opening expert reports and file discovery motions by 10/20, file rebuttal expert reports by 11/17, close expert discovery on 12/12, and file Daubert/dispositive motions and joint reports by 12/28. Paltalk reserves the right to ask the Court to maintain the current trial date, while adjusting pretrial deadlines to comport with the 3-week extension. That said, we will need your agreement that you will not advocate extending the trial date beyond three weeks from the current trial date.

Paltalk's agreement is contingent upon Cisco agreeing to timely resolve the following outstanding discovery issues:

1. Outstanding issues from Mr. Boyles's depo:

- a. Mr. Boyles's lack of knowledge on Cisco's revenue spreadsheets: Mr. Boyles was Cisco's corporate representative for a number of financial topics, but Mr. Boyles was unprepared to give key information contained in the revenue spreadsheets produced by Cisco. For example, exhibit 16 to Mr. Boyles's deposition was the revenue spreadsheet produced by Cisco at CISCO-PAL-00002525. Mr. Boyles did not know the meaning of the product IDs listed in this spreadsheet, *see* Boyles Dep. 47:5-48:1. This information is within the reasonable scope of topics 29 and 31, and Mr. Boyles's could not testify as to which of the product IDs corresponded to Webex products that contain the Accused Functionalities. Mr. Boyles likewise was not prepared to discuss the product descriptions in CISCO-PAL-00002525 either. *See* Boyles Dep. 48:6-15. Paltalk requests that Cisco promptly present a witness that is knowledgeable about the information contained in the revenue spreadsheets produced by Cisco (and identified in Cisco's response to Paltalk's Interrogatory No. 2), including information about the specific product IDs, product descriptions, product families, and product family types and how information contained in those data fields relates to the Accused Functionalities and Accused Products. A fully prepared witness should be able to decipher the acronyms and codes contained in the revenue spreadsheets. Mr. Boyles testified that he hadn't seen any sort of legend or key related to the

various acronyms. That's surprising, and we ask you to confirm. Of course, if such a key or legend exists, Paltalk requests a prompt production of it.

- b. Cisco's agreement to present a witness to testify about outstanding financial topics: Mr. Boyles was not knowledgeable about the full scope of topic 30 because he could not identify which Webex products incorporated the Accused Functionalities. *See* Boyles Dep. 106:1-25. I went off the record to discuss Mr. Boyles's lack of knowledge on this topic with Elise, and I explained that questions about which Accused Functionalities are present in various Webex Products were questions well within the reasonable scope of topic 30. Elise said Cisco could put up another witness to cover the remainder of topic 30, and I moved on from this topic and noted this issue on the record. *See* Boyles Dep. 106:16-25. Additionally, key documents responsive to Paltalk's RFPs 11 and 23 were withheld until the night before Mr. Boyles's deposition, and Cisco amended relevant ROG responses after Boyles's deposition (despite Paltalk timely supplementing its ROG responses and requesting that Cisco supplement for nearly 2 months). Paltalk therefore requests that Cisco present a witness knowledgeable about Topic 30. A fully prepared witness should be able to discuss and describe Cisco's revenue sheets as described in 1(a) and should be able to explain the which of the Accused Products (and their dollar breakdowns) are reflected in the revenue lines for all products listed in the pivot table on tab 1 of CISCO-PAL-00003132 and the "Webex," "WEBEXBU," and "WEBXONGPLUBU" revenue streams shown in CISCO-PAL-00003133.

2. **Cisco's Supplemental Response to ROG 2:** Though Cisco supplemented its response to ROG 2 (only on last Thursday 9/22) by identifying various revenue spreadsheets, the spreadsheets don't fully respond to ROG 2. Paltalk requested yearly and quarterly sales of each of the relevant products, but the documents Cisco provided do not include the requested information. Cisco's response to ROG 1 asserts that at least 4 Webex products do not contain the Accused Functionalities and are thus not relevant to this case: Edge, Socio, Slido, and Calling. Paltalk requests that Cisco promptly—at least 3 days before the deposition requested earlier in this email—respond to ROG 2 by providing the yearly and quarterly revenue for *each* of the following products: Webex App, Webex Suite, Webex Meeting, Webex Messaging, Webex Events, Webex iOS App, Webex Android App, Webex Meetings for iOS, Webex Meetings for Android, Webex Teams, Webex Meetings for Microsoft Teams, and Webex Training.
3. **Cisco's Outstanding 30(b)(6) Witnesses:** Paltalk also requests that Cisco present Messrs. Belcher and Barave by 10/13, as well as any other witness that would be required to cover any remaining 30(b)(6) topics that might not be covered by those two witnesses, including the deficiencies listed above.

Please let me know if Cisco agrees to Paltalk's stated conditions above. If not, please consider this Paltalk's conference on these discovery issues so that Paltalk can promptly seek the Court's intervention.

Amber Magee

From: Hawkins, Ryan B. (SDO) <RHawkins@perkinscoie.com>
Date: Tuesday, September 27, 2022 at 7:15 PM
To: Ryan Caughey <rcaughey@susmangodfrey.com>, Amber Magee <AMagee@susmangodfrey.com>
Cc: Edlin, Elise (SFO) <EEdlin@perkinscoie.com>
Subject: RE: Paltalk/Cisco - Schedule

EXTERNAL Email

Ryan and Amber,

Just quickly to update why we bounced to 1/16, with putting the close of expert discovery to 12/12, we previously had two weeks after that before the Daubert/MSJ deadline. That would have put that date at 12/26 which we again didn't think anybody wanted to deal with. Then it was 1/1 that nobody wants to be dealing with, etc. How about instead of 12/22 as the deadline we say 12/28? That I think would put responses on the 1/11 as opposed to 1/5? We will discuss both options internally tonight like you are, but I wanted to throw this out there as a minor deviation that would reduce the holiday work.

Ryan Hawkins | Perkins Coie LLP

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From: Ryan Caughey <rcaughey@susmangodfrey.com>
Sent: Tuesday, September 27, 2022 2:17 PM
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Subject: RE: Paltalk/Cisco - Schedule

Yes – that will work. I'll look out for the link. Thanks.

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Subject: RE: Paltalk/Cisco - Schedule

EXTERNAL Email

Ryan,

We are available this afternoon at 4:30 PDT. If that works for you, I can send a Teams meeting link.

Elise Edlin | Perkins Coie LLP

COUNSEL

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From: Ryan Caughey <rcaughey@susmangodfrey.com>
Sent: Tuesday, September 27, 2022 1:28 PM
To: Piepmeier, Sarah (SFO) <SPiepmeier@perkinscoie.com>; Edlin, Elise (SFO) <EEdlin@perkinscoie.com>; Hawkins, Ryan B. (SDO) <RHawkins@perkinscoie.com>; Griggs, Angela (SFO) <AGriggs@perkinscoie.com>
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Subject: Paltalk/Cisco - Schedule

Elise/Ryan – Do you (or Sarah) have a few minutes this afternoon to get on the phone to discuss schedule and, in particular, the proposed schedules exchanged on 9/15? I took another close look and it seems to me there's room for compromise, beyond the email exchanges we've had. Let me know and thanks.

Ryan

Ryan Caughey | Susman Godfrey LLP

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